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(Justice)

Provincial Offences Act and Limitations Act to come into effect April 1

The Minister of Justice, Edward Roberts, announced today that both the *Provincial Offences Act* and the *Limitations Act* will be proclaimed into force on April 1 of this year.

The *Provincial Offences Act* gives authority to designate ticketable offences, set fines for those offences and improve fine collection procedures in this province. The new legislation will improve enforcement, conserve the scarce resources of the courts and the police and protect the rights of the accused.

"The ticketing process saves the officers and the courts time by eliminating the need to swear informations and issue summonses to commence prosecutions," said the minister. "In addition, this process saves the officers and courts time by eliminating the need for hearings where the defendant ignores the ticket or voluntarily pays the fine."

The minister said the information/summons process will still be retained for serious offences and in the case of intermediate offences, a ticket is used to commence the prosecution but the defendant will be required to appear in person to enter a plea. The new legislation also provides for improved fine collection for cities, municipalities and the province such that they will be able to register the judgement imposing the fines as a judgement of the Supreme Court, Trial Division. This removes the current requirement on cities and towns to sue in small claims court for their fines.

The province will enhance its fine collections efforts in a number of ways, including establishing a late penalty on all fines, not just highway traffic fines; registering judgements imposing the fines in Supreme Court, Trial Division thus eliminating the need to sue in small claims court; refusing to renew drivers licences for all unpaid fines, not just motor vehicle related fines; having discretionary refusal of all other provincial licences and permits while fines are outstanding; and having Third Party demands and distress, as in the Retail Sales Tax Act, by justice officials without the need for the involvement of the Sheriff. Currently, the only ticketable offences are highway traffic, parking, ATV, forestry and tobacco control offences.

The *Limitations Act* replaces the *Limitation of Personal Actions Act* and the *Limitation of Realty Actions Act* with a single, comprehensive limitation statute, contemporary in language and principle. It also repeals and replaces many special limitation periods contained in the other statutes and replaces them with the uniform provisions of a single statute.

"The reforms result generally in a reduction of the number and a shortening of the existing limitation periods," said the minister. "This is consistent with reform in other jurisdictions and recognizes the fact that since the periods were first established, transportation and communication have improved, and life generally and commercial activity in particular move at a much faster pace."

The *Limitations Act* establishes general limitation periods of two, six and 10 years within which actions for damages must be commenced. It balances the rights of plaintiffs to bring an action with the legitimate demands of defendants that actions be commenced within a reasonable period of time. The new act is also expressly stated to apply to the Crown. This is a significant change from the present law.

The new *Limitations Act* makes special provision for situations where the plaintiff is unable to bring an action because of physical or mental disability or because he or she has not yet discovered that a cause of action exists. In such cases, the act provides that the running of time is postponed until the plaintiff's disability ceases or until he or she discovers or with reasonable diligence should discover, that a cause of action exists. In the interest of certainty, however, rules regarding postponement provisions are not left entirely open-ended. The act imposes a 10 year long stop cap on discoverability and a 30 year ultimate limitation period on actions postponed because of disability.

The act also provides for rights of action to which no limitation periods apply and consequently which may be brought at any time. This is the case with sexual assault by a person in a trust situation. In such cases, victims frequently suppress their memories of the assault or are unable to make a connection between the problems or damages incurred by them and the earlier assault.

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